



Fair Labor Association Responds to Concerns Raised by National Labor Committee and Clean Clothes Campaign-Germany Regarding Freedom of Association in El Salvadoran Factories

When the Fair Labor Association (FLA) launched the public reporting initiative earlier this year we did so in the firm belief that the increased flow of information would help engage stakeholders in a discussion about the FLA process with a view to improving workplaces around the world. The concerns expressed by the National Labor Committee (NLC) and Kampagne fur Saubere Kleidung (Clean Clothes Campaign [CCC], Germany) regarding freedom of association in FLA applicable facilities in El Salvador is precisely the sort of critical feedback we welcome in the best interests of promoting labor rights. We share these organizations' interest in ensuring that freedom of association and workers' right to organize is implemented in accordance with ILO and UN instruments, as well as the FLA Code, and we welcome the feedback on the FLA's newly published tracking charts.

The FLA Code protects freedom of association and collective bargaining. All FLA Participating Companies commit to implement this standard throughout their supply chains, pledging to protect workers from any retaliation against them should they attempt to organize. The FLA has exhibited its dedication to this basic right on numerous occasions -- including its work in the Dominican Republic to protect worker's freedom of association at BJ&B, and in Guatemala, where the FLA recently cooperated with the only independent unions in the maquila industry, Sitrasima & Sitrachoi to ensure that the workers' rights to freedom of association were protected, resulting in a collective bargaining agreement.

Through the implementation of the FLA monitoring and remediation programs at thousands of facilities around the world, these rights have been publicized, workers have been provided training on freedom of association, workers who had been unfairly dismissed for their union activities were reinstated, and, in some cases, anti-union managers have been removed from their posts. This takes place in the normal operation of our program. In addition, our third party complaint mechanism enables civil society organizations to secure our intervention in verifiable cases of code non-compliance.

Public reporting is an essential component of that framework. By providing the public with detailed information about the factories in which FLA conducts independent monitoring, more stakeholders can participate in "continuous improvement" in very real ways. Through the dialogue that we hope public reporting sparks, we can work with experts, advocates, companies, consumers, shareholders, universities, and students to create a race to the top.

However, we would like to respond to your concern that FLA Participating Companies' efforts to put a worker-management committee in place at a factory in some way violates workers' rights to organize a union. The FLA recognizes the unique role played by unions as worker representatives with regard to collective bargaining, which no other form of organization can replace. We also consider that other forms of representation can be an improvement in factories that otherwise have no formal channels for

communications between workers and management. The ILO recognizes worker-management committees as legitimate mechanisms in any labor relations system. In Convention 135 on Workers' Representatives, (1971) and Recommendation 143, the ILO recognizes freely elected representatives other than trade union representatives, as long as their existence is not used to undermine the position of trade unions. Moreover, R129 on Communications within the Undertaking, (1967) provides for communications mechanisms with the qualification that they should in no way derogate from freedom of association.

The worker-management committees that were put in place in the factories in question are in no way intended to usurp the role of unions in these facilities. In addition to the committees, which consist of freely elected workers representing each of the production lines in the factory, the FLA Participating Companies have conducted trainings in the facility that include a review of El Salvadoran Law, ILO conventions, codes of conduct regarding freedom of association, along with issues of "blacklisting" and other noncompliant practices. Suppliers were also trained on compliance with the law and codes, and promotion of worker/management communication within the factory. The trainings are ongoing.

There is still a great deal that needs to be done to improve workplace conditions, and to build workers' capacities to participate in this process. The FLA aims to create sustainable systems for compliance through programs like the one it is spearheading in Central America that addresses blacklisting of union members and organizers. The project will involve the ILO, governments, brands, export processing zones, factory managers, unions, and workers in a concerted effort to address the discriminatory practices that aim to keep unions off shop floors. Together with the WRC we will be appointing Ombudspeople to receive and investigate complaints regarding code non-compliance. The FLA, in cooperation with FLA Participating Companies and others, will work with these actors to improve law enforcement, awareness, training and worker-management dialogue.

The remediation programs underway in El Salvador and elsewhere are being monitored by the FLA, and updated by the Participating Companies. Those details will be posted in the relevant tracking charts on our website in due course and will enable the public to assess the efficacy of those programs.

We hope to cooperate with NLC, the CCC, and other organizations in these projects, and to continue to engage in dialogue with the shared goal of creating sustainable systems for compliance in workplaces -- and at the end of the day, to improve workers' lives.

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